

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

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|----------------------------|---|-------------------------------------|
| Dontavious Jones, #371148, |) | |
| |) | Civil Action No.: 1:18-cv-03320-JMC |
| Petitioner, |) | |
| |) | ORDER |
| v. |) | |
| |) | |
| Warden Charles Williams, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 11), filed on January 8, 2019, recommending that Dontavious Jones’ (“Petitioner”) Petition for Writ of Habeas Corpus (ECF No. 1) be dismissed.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. *Diamond v. Colonial Life and Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). In the absence of objections to the Magistrate Judge’s Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of

the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

The parties were advised of their right to file objections to the Report. (ECF No. 11 at 6.) Neither party filed objections to the Report.

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 11) and **DISMISSES** the Petition for Writ of Habeas Corpus (ECF No. 1) without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

February 21, 2019
Columbia, South Carolina